

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 DONOVAN SMITH,

5 Plaintiff,

6 v.

7 SAMANTHA EISENBERG, et al.,

8 Defendants.  
9

Case No. 2:16-cv-00618-JCM-CWH

**REPORT & RECOMMENDATION**

10 On April 19, 2017, the court entered an order granting plaintiff Donovan Smith's  
11 application to proceed *in forma pauperis* and dismissing his complaint, with leave to amend.  
12 (Order (ECF No. 15).) Plaintiff's deadline to file an amended complaint was thirty days after  
13 entry of the court's order, which fell on May 19, 2017. (*Id.* at 3.) Plaintiff has not taken any  
14 action in this case since the court's order dated April 19, 2017, and therefore appears to have  
15 abandoned this case.

16 Further, the United States Postal Service has returned as undeliverable the court's last two  
17 mailings in this case. (ECF Nos. 17, 18.) Thus, it appears that plaintiff is no longer at the address  
18 on file with the court. Under, Local Rule IA 3-1:

19 An attorney or pro se party must immediately file with the court written notification of  
20 any change of mailing address, email address, telephone number, or facsimile number.  
21 The notification must include proof of service on each opposing party or the party's  
22 attorney. Failure to comply with this rule may result in the dismissal of the action, entry  
23 of default judgment, or other sanctions as deemed appropriate by the court.

23 The court will therefore recommend dismissal of plaintiff's case.

24 IT IS THEREFORE RECOMMENDED that plaintiff Donovan Smith's case be dismissed  
25 without prejudice.

26 **NOTICE**

27 This report and recommendation is submitted to the United States district judge assigned  
28 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation

1 may file a written objection supported by points and authorities within fourteen days of being  
2 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
3 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d  
4 1153, 1157 (9th Cir. 1991).

5 DATED: July 5, 2018

6  
7  
8 C.W. HOFFMAN, JR.  
9 UNITED STATES MAGISTRATE JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28